

FEDERAL ENERGY REGULATORY COMMISSION  
Washington, D. C. 20426

OFFICE OF ENERGY PROJECTS

Project No. P-6550-003--California  
Biber-Spellenberg Hydro Project  
Bidden Creek Bores Properties, LLC

**June 1, 2015**

Mr. Stephen Bores  
Bidden Creek Bores Properties, LLC  
3460 Country Club Pl.  
Danville, CA 95406-5827

Subject: Acknowledgement Letter for Transfer of Exemption

Dear Mr. Bores:

By letter filed May 11, 2015, the Commission was notified of the transfer of exemption for the Biber-Spellenberg Hydro Project, FERC No. 6550, transferred from Frank M. Biber and Steven Spellenberg to Bidden Creek Bores Properties, LLC.

The Division of Hydropower Administration and Compliance (DHAC) has the primary responsibility for reviewing your compliance with the terms and conditions of your recently transferred exemption. The following guidelines should help you maintain compliance with your exemption requirements.

Contact Information

To ensure that we have the most up-to-date contact information for non-dam safety issues on file for your Project, please complete and return the enclosed contact form within **15 days** from the date of this letter. You must provide a Primary Contact who will be added to the Project service list as the Primary Person of Record. This contact will be served Commission issuances and third-party filings as required by the service rules and regulations under 18 C.F.R. § 385.2010. You should also provide a Secondary Contact which will also be added to the Project's service list and, if provided, will be used by the Commission as a point of contact for day-to-day operations and non-dam safety compliance. If a Secondary Contact is not provided, the Commission will use the Primary Contact for this purpose as well as to fulfill Service obligations. An electronic copy of the Contact Form is also available through the Commission's Internet site at <http://www.ferc.gov/industries/hydropower/gen-info/comp-admin/contact.asp>.

Any contact you provide must be eRegistered (see Instructions below), and you must provide the eRegistered email address on the enclosed form. This email address

will be used to automatically enroll the point of contact for eService. If at any point during the term of your exemption, this information changes, you are responsible for notifying the Commission immediately.

You are encouraged to use the Commission's online system as a gateway for access to project information and filings via the Internet. eRegistration provides an easy-to-use entry point to do business with the Commission. eService ensures that parties on the Service List receive electronic notification of Commission issuances and is the Commission's primary method of service of Commission issuances. eSubscription allows you to subscribe to a specific docket, and receive notification via email about all future submittals and issuances. The docket is the Project Number (P-6550). Refer to <http://www.ferc.gov/docs-filing/elec-info-guide.pdf> and the links below to help you to register and subscribe.

eRegister: <http://www.ferc.gov/docs-filing/eregistration.asp>

eSubscription: <http://www.ferc.gov/docs-filing/esubscription.asp>

eService: <http://www.ferc.gov/docs-filing/eservice.asp>

### Filing Instructions

The Commission strongly encourages electronic filings. Unless indicated otherwise in your exemption, please file your submittals electronically via the Internet (eFiling). Please refer to the instructions for using the Commission's eFiling system at <http://www.ferc.gov/docs-filing/efiling.asp> and filing instructions in the Commission's Regulations at 18 C.F.R. § 385.2001(a)(1)(iii).<sup>1</sup> To assist you with eFilings you should refer to the submission guidelines document at <http://www.ferc.gov/help/submission-guide/user-guide.pdf>. In addition, certain filing requirements have statutory or regulatory formatting and other instructions. You should refer to a list of these "qualified documents" at <http://www.ferc.gov/docs-filing/efiling/filing.pdf>. For assistance, please contact FERC Online Support at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov), (866) 208-3676 (toll free), or (202) 502-8659 (TTY). In lieu of electronic filing, please send a paper copy(s) to: The Secretary, Federal Energy Regulatory Commission, Mail Code: DHAC, PJ-12, 888 First Street, N.E., Washington, D.C. 20426.

With each submittal, it is very important for you to include a cover letter that identifies the Project Number (P-6550) and the reason for the submittal. If you are making a filing to address an article or other exemption requirement please state so in the letter, and identify the article number or exemption requirement. The Commission strongly encourages electronic filings using the eFiling system Internet link listed above.

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<sup>1</sup> <http://www.ferc.gov/legal/fed-sta.asp>. Select the link for Code of Federal Regulations and navigate to § 385.2001.

### Article Compliance

The exemption contains articles that require the preparation of various analyses and studies according to the schedule established for each article. You should review the exemption and become familiar with its article requirements. You must deliver each item to the Commission on or before the specified due date.

If an exemption article requires you to file a periodic report, if the filing does not require Commission approval we may not respond to acknowledge the filing. However, you should check the Commission's eLibrary Internet site at [www.ferc.gov/docs.filing/elibrary.asp](http://www.ferc.gov/docs.filing/elibrary.asp) to make sure the report has been received by FERC. If we have any questions regarding the periodic report, Commission staff will contact you.

### Extension of Time

If you are unable to complete a required analysis or study according to the schedule established in the exemption, you must request an extension of time, as directed by § 385.2008 of the Commission's regulations.<sup>2</sup> You must file your request before the established due date and state why the requirement in the article cannot be completed on time. You must propose a reasonable date when the analysis or study will be completed and filed with the Commission. If an extension request is approved, an order granting an extension of time will be issued, revising the schedule in the exemption for submittals. The Commission strongly encourages electronic filings, and additional details are discussed in this letter and Internet links are provided. Please include the project number (P-6550) on any request you file with the Commission.

### Amendments

If an exemption holder desires to change the design, location, method of construction or operation of its project, it must first notify the appropriate Federal and state fish and wildlife agencies and inform them in writing of the changes it intends to implement. If these agencies determine that the changes would not cause the project to violate the terms and conditions imposed by the agencies, and if the changes would not materially alter the design, location, method of construction or operation of the project, the exemption holder may implement the changes. If any of these agencies determines that the changes would cause the project to violate the terms and conditions imposed by that agency, or if the changes would materially alter the design, location, method of construction or the operation of the project works, the exemption holder may not implement the changes without first acquiring authorization from the Commission to amend its exemption or acquiring a license for the project works that authorizes the project, as changed. (See 18 C.F.R. § 4.96) If you are unsure whether the proposed modification requires an amendment, you may file a request for determination of the need for authorization with the Secretary at the address above. Your filing should consist of a

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<sup>2</sup> 18 C.F.R. § 385.2008. Refer to the Commission's Regulations link in footnote 1 and navigate to the citation.

detailed description of the proposed changes, the environmental effects on the surrounding area, and copies of letters of consultation with the resource agencies. After reviewing the changes proposed in your application, the Commission will decide whether an amendment is required. You will be notified in writing of this determination.

### Assistance

The goal of our assistance program is to help you stay in compliance with the terms and conditions of your exemption. We try to promote responsible stewardship of the nation's water resources through open communication and interaction between exemptees and DHAC staff. Should you seek assistance, please contact Ms. Patricia W. Gillis at (202) 502-8735. We can discuss your questions over the telephone or in person. In addition, we can provide informational publications to assist you with your project.

The small business and agriculture regulatory enforcement ombudsman and ten regional fairness boards were established to receive comments from small businesses about federal agency enforcement actions. The ombudsman will annually evaluate each agency's enforcement activities against small business and rate each agency's responsiveness. If you are a small business entity, you may call (888) 734-3247 to comment on the enforcement actions of this agency.

### Property Rights

As an exemption holder, you are required to possess ownership in fee, rights-of-way, easements, or leaseholds, necessary to develop, operate, and maintain the project.<sup>3</sup> Failure to own or maintain these property interests for the project may result in Commission action, and possible revocation of your exemption.

Your cooperation in these matters will be appreciated. We look forward to working with you.

Sincerely,

Heather Campbell  
Deputy Director  
Division of Hydropower Administration  
and Compliance

Enclosure: Contact Form

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<sup>3</sup> 18 C.F.R. §§ 4.31(b), (c). Refer to the Commission's Regulations link in footnote 1 and navigate to the citation.

Project No. P-6550-003--California  
Biber-Spellenberg Hydro Project  
Bidden Creek Bores Properties, LLC

Date: \_\_\_\_\_

The Secretary  
Federal Energy Regulatory Commission  
Mail Code: DHAC, PJ-12  
888 First Street, N.E.  
Washington, D.C. 20426

Subject: Exemptee Contact and Service List Information

Dear Madam Secretary:

The name, title, address, and telephone number of the company official, elected municipal official, owner, authorized agent, etc., responsible for the project as exemptee is listed below. This person will be listed in our records as the PRIMARY CONTACT for non-dam safety issues.

\* Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
\* Address 1: \_\_\_\_\_  
Address 2: \_\_\_\_\_  
\* City: \_\_\_\_\_  
\* State: \_\_\_\_\_  
\* Zip Code: \_\_\_\_\_  
\* Email: \_\_\_\_\_  
Telephone: \* (office) \_\_\_\_\_ (cell) \_\_\_\_\_  
Fax No. : \_\_\_\_\_

The name, title, address, and telephone number of the authorized representative for day-to-day project activities, and secondary contact:

\* Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
\* Address 1: \_\_\_\_\_  
Address 2: \_\_\_\_\_  
\* City: \_\_\_\_\_  
\* State: \_\_\_\_\_  
\* Zip Code: \_\_\_\_\_  
\* Email: \_\_\_\_\_  
Telephone: \* (office) \_\_\_\_\_ (cell) \_\_\_\_\_  
Fax No. : \_\_\_\_\_

Prepared by: \_\_\_\_\_ *Signature* \_\_\_\_\_

Typed name

**NOTE:** Required fields are indicated by a \*. If a project has multiple exemptees, please complete one form for each co-exemptee.